

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 15-42099

BOBBY RAY MOULTRY, *pro se*,

Chapter 7

Judge Thomas J. Tucker

Debtor.

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ORDER DISMISSING CASE

On February 16, 2015, Debtor filed a voluntary petition for relief under Chapter 7 (Docket # 1); “Exhibit D - Individual Debtor’s Statement of Compliance Credit Counseling Requirement” and a “Certificate of Counseling” (Docket # 3), which states that on *April 21, 2014*, Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That section states, in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period ending on the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor did not receive the required credit counseling briefing *during the 180-day period ending on the date of the filing of her petition*. Rather, Debtor received the credit counseling briefing 301 days before her petition was filed. Not only was the credit counseling briefing obtained more than 180 days pre-petition, but also the “Exhibit D” form filed at Docket # 3 is defective, because the Debtor did not check any of the 5 choices (boxes) on it, as required. So the “Exhibit D” actually says nothing.

For these reasons,

IT IS ORDERED that this case is dismissed.

Signed on February 19, 2015

/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**